

1 MR. ZAUNER: Well, if it's any relevance, I would
2 not anticipate taking more time on this than we've already
3 spent arguing it.

4 JUDGE SIPPEL: Well, all right. I'll let you go
5 down here -- but you know, I'm receiving this. All I'm
6 receiving this is evidence of -- that exacerbates his
7 situation when he pled guilty. That's all it does. The
8 significant issue is what has he done since that time to the
9 present to rehabilitate himself and to mitigate the situation.

10 So I mean, I'm going to give you something because I
11 feel I have to under 405B. I think you read it the right way.
12 But I do, under 402, in my discretion, I'm going to keep this
13 limited. So I'll let you finish this thought. You said
14 you've got a few more questions.

15 MR. ZAUNER: Let me try to limit it even more and I
16 will try to conform to Your Honor's request.

17 BY MR. ZAUNER:

18 Q Prior to the time that Linda Sorenson was
19 interviewed by Mr. Bloss, did you suggest to her that she
20 should lie and say the marijuana plants were hers?

21 A No.

22 Q Did you talk to your mother and suggest that your
23 mother tell Linda Sorenson that she should lie and say the
24 marijuana plants were hers?

25 A No.

1 Q Are you aware that after giving Mr. Bloss her
2 statement, Linda Sorenson called Mr. DiRoberto and told him
3 that the statement she had given to Bloss was not truthful?

4 MR. McCARTIN: Objection, Your Honor. That's a
5 hearsay question.

6 JUDGE SIPPEL: I'll sustain that one. I'll sustain
7 it. Again, that illustrates the problem with getting into
8 this area. But go ahead, Mr. Zauner.

9 MR. ZAUNER: That concludes that section.

10 BY MR. ZAUNER:

11 Q Did you ever threaten Linda Sorenson with regard to
12 the marijuana charges pending against you?

13 A No.

14 Q Did you ever tell her that if you go to jail, she
15 should sleep with her boots on and carry a gun?

16 A No.

17 Q Did you ever tell her that if you go to jail, she
18 shouldn't open the door to anybody?

19 A No.

20 Q Did you ever threaten her children?

21 A No.

22 Q Did you ever tell her you knew where her children
23 were in a threatening context?

24 A No.

25 Q Let me -- and I apologize. I'm going to re-ask one

1 question. Did you ever tell her that if you go to jail, she
2 should sleep with her boots on and carry a gun or words to
3 that effect?

4 A No.

5 Q Did you ever tell her that if you go to jail, she
6 shouldn't open the door to anybody or words to that effect?

7 A No.

8 MR. McCARTIN: Objection, Your Honor. Asked and
9 answered.

10 WITNESS: Yes, sir. But not "to that effect".

11 JUDGE SIPPEL: Is that it then for this area?

12 MR. ZAUNER: Yes, Your Honor. I'm moving onto
13 another area now.

14 JUDGE SIPPEL: And I want to just, again, state for
15 the record that another reason for my concern getting into
16 this is that it obviously -- it requires not only evidence of
17 whether a fact occurred. Now, the fact occurred that he had
18 the marijuana plants and he was using the marijuana plants in
19 such a way that they constituted the basis for a felony which
20 he pled guilty. But all these other things, you're getting
21 into frame of mind, states of minds, intent, nuances. This is
22 a very complicated area and all the more, it's just another
23 reason to underscore my concern under Rule 402 as to why I
24 want to keep out of this area. But I permitted you the leeway
25 --

1 MR. ZAUNER: And I think I lived up to my side of
2 the bargain. I kept it brief and to the point and I'm ready
3 to move on.

4 JUDGE SIPPEL: Yes, you did. You may proceed then,
5 Mr. Zauner.

6 BY MR. ZAUNER:

7 Q When you were arrested in July of 1991, were you
8 released pending trial?

9 A Would you state that again?

10 Q You were arrested in July -- July 25, 1991. Were
11 you then released pending trial?

12 A Yes.

13 Q Were there conditions on your release?

14 A Yes.

15 Q Was one of those conditions that you not use
16 prescribed drugs?

17 MR. McCARTIN: Objection, Your Honor. Once again, I
18 think this is an additional example of Mr. Zauner trying to go
19 beyond the scope of the indictment into ancillary matters and,
20 you know, the possibilities are endless here. I think that
21 this kind of inquiry should be cut off for the reasons that
22 you've already articulated.

23 JUDGE SIPPEL: Well, he's talking about the course
24 of conduct, the specific course of conduct here, and he's
25 asking very specific questions about events that occurred in

1 or about the time. I'm going to permit it up to a point.

2 Overruled for now.

3 MR. ZAUNER: Thank you.

4 BY MR. ZAUNER:

5 Q Were you required to present yourself periodically
6 for drug testing?

7 A No.

8 JUDGE SIPPEL: Well, you didn't answer the other
9 question. There was an objection to it, whether or not he
10 used prescribed drugs or whether there was a condition --

11 MR. ZAUNER: Was one of those --

12 JUDGE SIPPEL: I'm sorry. You state the question,
13 Mr. Zauner.

14 BY MR. ZAUNER:

15 Q Was one of those conditions that you not use
16 prescribed drugs?

17 A Well, I think we better clarify this because we seen
18 to be getting off in two areas, here. My first arrest was the
19 County of Arizona, local, shall we say, arrest, domestic
20 violence. I was then charged with possession of marijuana
21 with intent to distribute. Then those charges were completely
22 dropped and a superceding indictment later emerged and I was
23 indicated by the --

24 Q Grand Jury?

25 A Well, not -- obviously the Grand Jury must have had

1 to hear the thing, but it was a higher court, U.S. --

2 JUDGE SIPPEL: It was a Federal Court rather than
3 county?

4 WITNESS: Federal Court rather than county. Now, on
5 the county court, nothing was mentioned about using or not
6 using anything. In fact, I was only in court one time to
7 establish my bond. But in the Federal Court, upon the
8 superceding indictment, that's when they told me not to use
9 marijuana and that's when they proceeded to have drug tests
10 while Pretrial Services, as they call it, conducted that.
11 That period was from actually January something, if I'm not
12 mistaken, through July 31st and then it went to a probation
13 officer under the same rules and conditions.

14 JUDGE SIPPEL: What year are you talking about, that
15 January?

16 WITNESS: Of '92.

17 JUDGE SIPPEL: That's what I thought. Go ahead, Mr.
18 Zauner.

19 BY MR. ZAUNER:

20 Q Was it the Honorable Raymond Tulezzi, the judge that
21 released you in January of '92 and set --

22 MR. McCARTIN: Objection.

23 MR. ZAUNER: -- the terms of release?

24 MR. McCARTIN: Objection. January '92 release?

25 There's no foundation for a January '92 release. He was

1 arrested in July of '91 and then there was an indictment to
2 drop and then a new one brought, but I don't recall any
3 releasing in January of '91 -- '92, unless I was mistaken.

4 JUDGE SIPPEL: Did you want to pursue that, Mr.
5 Zauner? Did you -- are you mistaken on that date?

6 MR. ZAUNER: No.

7 JUDGE SIPPEL: What happened in January '92,
8 anything?

9 WITNESS: Well, in January of '92 was when then I
10 had to appear to present myself and -- to the Judge Tulezzi
11 relating to the Federal.

12 BY MR. ZAUNER:

13 Q And he was the one who released you on certain
14 conditions. Is that correct?

15 A Well, I never was arrested.

16 Q Never physically --

17 A Never physically arrested, but --

18 Q Restrained. But you were released --

19 JUDGE SIPPEL: Wait a minute. Let him finish.

20 WITNESS: He told me not to use marijuana and to
21 return at all court dates or otherwise a warrant would be
22 issued for my arrest.

23 BY MR. ZAUNER:

24 Q And that was in the end of January 1992. Is that
25 correct?

1 A Somewheres around that date, yes.

2 JUDGE SIPPEL: What was that? Was that an
3 arraignment? No? What was the procedure? I'm not asking
4 you. I'm asking your Counsel, if they can tell me.

5 MR. McCARTIN: Your Honor, whether it was an
6 arraignment, it was the initiation of the Federal proceeding
7 through the indictment subsequent to the dismissal of the
8 local proceeding and it was --

9 WITNESS: It might have been an arraignment.

10 MR. McCARTIN: It was probably an arraignment.

11 JUDGE SIPPEL: It sounds like one. Did you have an
12 attorney with you?

13 WITNESS: Yes.

14 JUDGE SIPPEL: Did the judge ask you how you were
15 going to plead?

16 WITNESS: I don't remember that exactly. I would
17 think that he would've asked that.

18 JUDGE SIPPEL: You don't recall though.

19 WITNESS: No. It was very brief. It was in and
20 out.

21 JUDGE SIPPEL: Did you ever enter a plea of not
22 guilty?

23 WITNESS: Yes.

24 BY MR. ZAUNER:

25 Q Subsequent to January of 1992, did you, in fact,

1 present yourself for urine analysis?

2 A No.

3 Q Have you ever had a urine analysis done?

4 A Yes.

5 Q When did you have it done?

6 A Excuse me. When you say subsequent -- do you mean
7 after '92?

8 Q In 1992, did you have any urine analysis done?

9 A Yes, I did. I'm sorry.

10 Q When was the first one you had done in 1992? Does
11 the date February 10th refresh your recollection?

12 A I think that might've been the first one, yes.

13 Q And do you know how you tested on that test?

14 A I never saw the results of any of the tests as far
15 as the dates go. But the basic understanding that I had was
16 that it was positive. One of those tests in there were
17 positive.

18 Q Did you have a second test on March 5, 1992?

19 A Well, I had a total of approximately ten or twelve
20 tests within a three-month period of time.

21 Q Do you recall having a test on or about March 5,
22 1992 where you also tested positive?

23 A There was a test in that period of time that I did
24 test positive, yes.

25 JUDGE SIPPEL: When you say tested positive, what do

1 | you mean by that?

2 | WITNESS: Well, they have a scale called nanograms.
3 | So they take a urine analysis and they run it through a
4 | chronographic spectrum analysis to determine the amount of
5 | nanograms. Nanograms being 100 nanograms is the cut-off. If
6 | you have 100 nanograms or more, you are considered positive.
7 | If you have less than 100 nanograms, you're negative, and I
8 | think at that particular first test that we had, I was 107
9 | nanograms.

10 | JUDGE SIPPEL: Nanograms of what?

11 | WITNESS: Well, I think they call it T.H.C.,
12 | tetrahydrocannabinol, Delta Nine, which is the type of
13 | cannabinol that remains in the fat tissues of the body for
14 | extensive periods of time and is released according to your
15 | metabolism proportionately. So you could have over 100
16 | nanograms of T.H.C. in your body, according to an expert
17 | toxicologist/witness who was present at Tulezzi's -- Judge
18 | Tulezzi's courtroom, and that could last for months and months
19 | and months and months.

20 | JUDGE SIPPEL: Is that as a result of taking what?

21 | WITNESS: Well, as a result of my consuming vast
22 | amounts of marijuana for 25 years. My total body was
23 | permeated with T.H.C. cannabinol.

24 | JUDGE SIPPEL: Well, you say you tested positive.

25 | Oh, that's what you're saying. What you're saying is that you

1 | tested positive --

2 | WITNESS: That it was still in my body releasing
3 | itself --

4 | JUDGE SIPPEL: "It" being marijuana.

5 | WITNESS: Marijuana.

6 | JUDGE SIPPEL: All right. I just wanted to know
7 | what the positive meant. Go ahead, Mr. Zauner.

8 | BY MR. ZAUNER:

9 | Q Isn't it a fact that Pretrial Services filed a
10 | petition for revocation of your release conditions?

11 | A Yes.

12 | Q I'm sorry. Let me withdraw that. That Pretrial
13 | Services filed a petition for revocation of your release.

14 | A Yes.

15 | Q And that was based upon the positive test results.

16 | A Well, it was based upon an interoffice memo that the
17 | D.E.A. had established that under normal circumstances, if a
18 | person abstained from marijuana use, that thirty days later,
19 | they would have a negative response to marijuana present in
20 | your urine which has been proved to be false.

21 | I mean, that assumption has nothing to do with
22 | thirty days. It has to do with Number One, how much do you
23 | have in there, how long has it been in there. But the most
24 | important factor is what is your metabolism rate. T.H.C. is
25 | stored in your kidney fat and depending upon your metabolism

1 would determine whether or not that particular day, you may
2 have T.H.C. in your urine.

3 You may have it in the morning and you may not have
4 it in the evening and you may have it 15 days after and you
5 may not have it at all 30 days after and two months later, it
6 can show up again. So I had a total of about twelve tests
7 done and out of the twelve tests, only one came up positive
8 and the odd part about it is, is that other tests were done,
9 sometimes at the same day and in conflicting information.

10 For instance, the date that the test came up
11 positive in the morning, the same test in the afternoon or
12 right around noon came up negative. So we had a toxicologist
13 there and he proceeded to enlighten the judge, the prosecuting
14 attorney, the Pretrial Services, and documented it with
15 information from the United States Navy who was the originator
16 of this test.

17 In the Armed Services, it was used, that they -- he
18 brought in books written by the U.S. Navy showing that
19 something like 40-some percent of the different people who
20 were known users of marijuana would have this in their blood
21 for 45 to 90 to 120 days and that it would come out at any
22 time according to the metabolism.

23 Q When was the last time you used marijuana prior to
24 1992?

25 A July 31, 1991.

1 Q Can I call your attention to the Revised Statement
2 of Richard Richards which is before you?

3 JUDGE SIPPEL: Do you have your statement, Mr.
4 Richards?

5 WITNESS: Yes.

6 BY MR. ZAUNER:

7 Q Let me call your attention to Page Four there,
8 Paragraph Ten. There you say, "I used marijuana prior to my
9 conviction, but I have not used it since December 31, 1991."
10 So which is it, Mr. Richards? Did you -- the last time you
11 used it was -- prior to 1992 was July of 1991 or was it
12 December of 1991?

13 A What did I just say?

14 Q I thought you --

15 MR. SCHATTENFIELD: It's not July.

16 WITNESS: Did I say July? I'm sorry. I stand
17 corrected. It's December 31st -- New Year's Eve. New Year's
18 Eve was my last -- that's when I found out they were filing on
19 me federally prior -- in the middle of December. They hadn't
20 done it yet, but I mean, the word was they're dropping the
21 case in the county and they're filing on me on the Federal
22 level and then I was told I would be under urine analysis and
23 New Year's Eve of that day was the last day of -- my blowout
24 day of consumption of all I could ingest for that New Year's
25 Eve.

1 BY MR. ZAUNER:

2 Q So you had already been arrested for it, charged
3 with it, and yet here you are five months later still using
4 it.

5 MR. McCARTIN: Objection. The charge was not
6 possession. The charge was intent to distribute. That's
7 mischaraterizing it.

8 JUDGE SIPPEL: All right. Rephrase the question.

9 MR. ZAUNER: I don't think I need to. I think the
10 facts are present and I think it's --

11 MR. McCARTIN: And also, it's argumentative.

12 MR. ZAUNER: I agree. I think it's argumentative.
13 I will withdraw the question.

14 JUDGE SIPPEL: Are you finished with this line? I'm
15 not trying to push you because I have some clarifying
16 questions I want to --

17 MR. ZAUNER: Yes, Your Honor.

18 JUDGE SIPPEL: Where I'm confused is I have down in
19 my notes that I thought that it was in July -- January, I'm
20 sorry, of '92 when you appeared before the Federal judge --
21 Federal District Court judge, that you were told not to use
22 the drugs and then it was after that that you started to get a
23 series of tests.

24 WITNESS: Correct.

25 JUDGE SIPPEL: Is that correct?

1 WITNESS: That's correct.

2 JUDGE SIPPEL: You said three months out and about
3 12 tests were administered.

4 WITNESS: Right.

5 JUDGE SIPPEL: Now -- I see. December of '91 -- I
6 was trying to relate that to December of '91. Let me finish
7 my thought. But it goes back to July of '91 that you were
8 arrested. Is that correct?

9 WITNESS: July 25th, yes.

10 JUDGE SIPPEL: So between July and December, you
11 continued to use the marijuana.

12 WITNESS: Yes.

13 JUDGE SIPPEL: And it was -- well, all right. I'm
14 just repeating myself. I just wanted to clear those up in my
15 mind. Go ahead, Mr. Zauner.

16 MR. ZAUNER: I want to go back to your Exhibit One.

17 MR. MCCARTIN: Is that Attachment One as modified?

18 MR. ZAUNER: That's the revised Exhibit One.

19 MR. MCCARTIN: I'm sorry.

20 JUDGE SIPPEL: Yeah, that's your statement that you
21 have in front of you.

22 BY MR. ZAUNER:

23 Q And there you indicate that you estimate the value
24 of your 82.5 acre ranch to be approximately \$550,000. I asked
25 you some questions about that earlier, about how you derived

1 that figure. Let me -- I want to ask some further questions
2 about that piece of property. You already indicated that the
3 property had an easement. Who held that easement?

4 A United States of America, I believe.

5 Q And I believe you testified you sold that back in
6 1985 approximately?

7 A Yes.

8 Q For \$549,000. At the time of your arrest in July of
9 1991, had the ranch or any part of it been used as collateral
10 for a loan?

11 A In 19-- yes.

12 Q Do you know the amount of that loan or those loans?

13 A Yes.

14 Q Perhaps rather than guessing, let me do this. Isn't
15 it a fact that the Arizona Agricultural Credit Association had
16 a lien on your property?

17 A Yes.

18 Q And isn't it a fact that that lien was in the amount
19 of \$132,981?

20 A No.

21 Q How much was that lien?

22 A It was \$118,000 plus \$2,000 that was held in a
23 reserve. You had to become a member of Arizona Production
24 Credit in order to get a loan.

25 Q But in any case, they had a lien on your --

1 A They had a lien for either 118 or 120, yes.

2 Q And if you had sold the land out of the proceeds of
3 the sale of that land, you would've had to pay that lien.

4 A Correct.

5 JUDGE SIPPEL: What did you do to take care of that
6 obligation?

7 WITNESS: Well, that obligation is yet to be met.
8 Basically there was 50 acres of the 82 where the orchard was,
9 raw land in the sense of no buildings. They took their lien
10 against that 50 acres. They then foreclosed and they, at this
11 point, owned that 50 acres.

12 JUDGE SIPPEL: They foreclosed -- oh, I see. They
13 haven't resold it. Well, what's the balance -- is there a
14 balance due on a loan that --

15 WITNESS: Well, that's been absolved at this point.
16 In other words, they foreclosed and accepted the land as
17 payment.

18 JUDGE SIPPEL: There's no surplusage -- no
19 surplusage that you owe now?

20 WITNESS: No.

21 JUDGE SIPPEL: And when did they enforce that lien
22 by foreclosure?

23 WITNESS: Well, I think it was about six months ago.

24 JUDGE SIPPEL: And up until six months ago, before
25 the foreclosure procedure, was there anything going between

1 | you and the lienholder, I mean, in terms of demands for
2 | payments or --

3 | WITNESS: No. No, because when I did the plea
4 | bargain, the --

5 | JUDGE SIPPEL: Back in '72.

6 | WITNESS: Back in '72.

7 | JUDGE SIPPEL: I'm talking '92.

8 | WITNESS: I'm sorry. Back in '92, July 31st, when I
9 | did the plea bargain, I agreed or actually signed over my --
10 | any and all rights that I had in the ranch to the U.S.
11 | Government.

12 | JUDGE SIPPEL: And where was the lienholder? Was
13 | the lienholder present when you did that?

14 | WITNESS: No.

15 | JUDGE SIPPEL: Were they represented at all in
16 | connection with how that transaction occurred?

17 | WITNESS: Not that I'm aware of.

18 | JUDGE SIPPEL: How come -- then how did they
19 | maintain their lien interest?

20 | WITNESS: Well, they had a deed of trust.

21 | JUDGE SIPPEL: So that was already on file. But the
22 | government took it subject to that lien?

23 | WITNESS: Oh, yes.

24 | JUDGE SIPPEL: Well, I'm not too -- I'm just not
25 | clear in my own mind in terms of how these preferences and

1 priorities line up when you're dealing with the Federal
2 Government. Sometimes tax things will --

3 WITNESS: The way I understand it, tax things are
4 not -- they don't have priority over the lien that's already
5 there.

6 MR. ZAUNER: Your Honor, if I may, I have a copy of
7 the Stipulated Expedited Settlement Agreement between the
8 United States Government and the Arizona Agricultural Credit
9 Association whereby the Arizona Agricultural Credit
10 Association was paid off in full on its loan by the U.S.
11 Government.

12 WITNESS: No. That's an agreement. They have not
13 been paid off --

14 MR. ZAUNER: They've not been paid?

15 WITNESS: -- to date.

16 MR. ZAUNER: To date, they have not been paid off.

17 WITNESS: To date, this is still --

18 MR. ZAUNER: It is a copy of an agreement which does
19 call for the Arizona Agricultural Credit Association to be
20 paid off.

21 WITNESS: It calls for it, but it never happened.

22 MR. ZAUNER: It has not happened. I stand
23 corrected. I presume this witness knows more about this than
24 I do.

25 WITNESS: What's amazing to me how they would string

1 | this thing on for so long and Arizona Production Credit just
2 | got in between the ringer there. They basically had an
3 | agreement and thought it was going to happen and it has yet to
4 | happen. This property is still sitting there, unoccupied.
5 | It's actually the property of the U.S. Marshal. The U.S.
6 | Marshal has the money supposedly, but it has never been put
7 | together. The U.S. National Park Service wants the property
8 | and the way I understand it, is going to pay Arizona
9 | Production Credit for it. What amount, I don't know.

10 | BY MR. ZAUNER:

11 | Q Could you just repeat what you said? Agriculture --

12 | A Arizona Agricultural Credit -- Production Credit.

13 | Q Is the correct --

14 | A A.P.C.A.

15 | Q A.A.C.A., Arizona Agricultural Credit Association?

16 | A Yeah, I think that's it, Arizona Agricultural.

17 | That's correct.

18 | Q And we're all talking about the same thing.

19 | A The same thing, yeah. It's a part of the Federal
20 | Land Bank.

21 | Q Isn't it a fact that Citibank of Arizona also had a
22 | lien on the land?

23 | A Correct.

24 | Q And that lien was in the amount of \$26,500. Is that
25 | correct?

1 A Correct.

2 Q And if you had sold the land, you would've had to
3 have paid off that lien.

4 A Correct.

5 Q As a result of the forfeiture of the ranch, you are
6 no longer obligated on that lien. Is that correct?

7 A That's correct.

8 Q And you are no longer obligated on the Arizona
9 Agricultural Credit Association lien, either.

10 A That's correct.

11 Q Isn't it a fact that Elsie Weick, W-E-I-C-K, also
12 had a lien on the ranch or a portion thereof?

13 A That's correct.

14 Q And isn't it a fact that her lien was in the amount
15 of roughly \$214,393?

16 A No, it was \$131,000 in principle sum.

17 Q Let me call your attention to a Motion for Leave to
18 File an Amended Claim that was filed in the United States
19 District Court, District of Arizona by Elsie Weick on or about
20 the 22nd day of July 1992.

21 JUDGE SIPPEL: What was that date again?

22 MR. ZAUNER: July 22, 1992.

23 MR. McCARTIN: Your Honor, I'd just like to
24 interpose, after I take a look at this, an objection to this
25 line of questioning. It's pretty clear that, you know, the

1 ranch had liens on it, but I fail to see where that gets us in
2 terms of advancing the ball in this proceeding.

3 There's been no representation made about, you know,
4 the status of the land vis-a-vis liens. The only
5 representation in Mr. Richards' statement is what the value of
6 the land was, you know, when he gave it up and so, you know, I
7 think that this is a frolic and detour that advances the ball
8 not one width.

9 JUDGE SIPPEL: Well, I think it's very important
10 myself. I think that this witness -- we're starting to see
11 the ramifications of the conviction for a felony and this is
12 all part of the picture and it's not very pretty.

13 MR. SCHATTENFIELD: I'm sorry. The ramifications of
14 what?

15 JUDGE SIPPEL: The conviction of a felony. Now,
16 you've given us -- do you want this document marked as an
17 exhibit?

18 MR. McCARTIN: Not at this point perhaps. I'm just
19 going to use it now to refresh his recollection.

20 BY MR. ZAUNER:

21 Q Mr. Richards, would you take a second and read that
22 document? Does that refresh your recollection as to the
23 amount of the lien held by Elsie Weick?

24 JUDGE SIPPEL: Let's go off the record so the
25 witness can absorb the document.

1 (Off the record.)

2 (On the record.)

3 JUDGE SIPPEL: Mr. Zauner?

4 MR. ZAUNER: Yes, Your Honor.

5 JUDGE SIPPEL: The witness has had this document in
6 front of him.

7 MR. ZAUNER: That's right and I think I had asked
8 him whether it refreshed his recollection as to the amount of
9 the lien held by Elsie Weick on the ranch and the witness was
10 going to read the document.

11 WITNESS: I read it.

12 JUDGE SIPPEL: What question did you have?

13 BY MR. ZAUNER:

14 Q What is your testimony now as to the amount of the
15 lien on the ranch held by Elsie Weick?

16 A The amount of the lien held by Elsie Weick is
17 131,000 and some odd dollars plus interest. That's the deed
18 of trust.

19 Q And how much interest is there?

20 A It depends on when you would pay it.

21 Q Can you -- as of the date on this document in front
22 of you, which is July 22, 1992, would the amount of principle
23 plus interest be equivalent, to your knowledge, of \$214,393?

24 A I have no way of knowing that. My mother's attorney
25 was J. Bert Vargas.

1 JUDGE SIPPEL: His name appears on the top of this
2 document.

3 WITNESS: The -- this is an amended claim. It says
4 here at the bottom, the last sentence, "The initial amount
5 claimed reflected the amount of \$171,000," and now they're
6 amending it to 214. But exactly how he came to these figures,
7 I think was determined by receipts that my mother and father
8 had.

9 MR. ZAUNER: Your Honor, I am going to offer into
10 evidence -- or I'd like to have marked for identification as
11 Mass Media Bureau Exhibit Six the Stipulated Expedited
12 Settlement Agreement between the United States of America and
13 the Arizona Agricultural Credit Association which was
14 discussed earlier. This is a nine-page document and consists
15 of the Stipulated Expedited Settlement Agreement with an
16 attachment -- one attachment is headed Renewal Promissory Note
17 and that is signed by Richard Richards and Cheryl Richards and
18 the attachment to that is Exhibit A and attached to that is a
19 Deed of Trust, also signed by Richard Richards.

20 JUDGE SIPPEL: How many pages did you say this
21 document was?

22 MR. ZAUNER: Nine pages.

23 JUDGE SIPPEL: The reporter will so mark that as
24 Bureau's Exhibit 6.

25 (Whereupon, the document referred

1 to as Bureau Exhibit Number 6 was
2 marked for identification.)

3 JUDGE SIPPEL: What about this Motion for Leave to
4 File an Amended Claim? Do you have any --

5 MR. ZAUNER: I'm going to make that into an exhibit,
6 too.

7 JUDGE SIPPEL: You're also going to make that an
8 exhibit?

9 MR. ZAUNER: Yes, Your Honor. I have these marked
10 with numbers on them, so they're in sequence.

11 JUDGE SIPPEL: The reporter has marked this
12 document. It's called Stipulated Expedited Settlement
13 Agreement and that's Bureau Number Six for identification.

14 MR. ZAUNER: Your Honor, I offer into evidence Mass
15 Media Bureau Exhibit Six.

16 JUDGE SIPPEL: Is there an objection?

17 MR. MCCARTIN: Yes, there is, Your Honor.

18 JUDGE SIPPEL: And the basis for the objection?

19 MR. MCCARTIN: Two bases, your Honor. First of all,
20 this document has not been authenticated. We have no evidence
21 that this document is what it purports to be. It has not been
22 sponsored by anyone. There is no -- this is not a certified
23 copy. We have no idea whether this document was ever amended
24 and so there's no basis for admitting it on that ground and
25 secondly, I would object on the grounds of relevance and the